FARAD CONTINUATION SHEET NO.
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2666 OF 2006

Ramkumar @ Ramlal Gendalal Verma ..Applicant
Versus
The State of Maharashtra ..Respondent

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

---

Anjali Patil for the applicant.

Mr.K.V.Saste APP for the State.

Coram : R.S.Mohite,J

Date : 2.8.2006.

PC

1. This is an application for grant of bail. The applicant is shown as an accused in C.R.No.40/2006 registered by the Malvani police station for alleged offences under Sections 363, 376(f), 342, 506(2) of IPC. The complaint has been registered on FIR lodged by the mother of the girl Pooja who is said to be 12 years of age. As per the FIR mother of the friend of Pooja to whom Pooja confessed about the rape on 2 occasions informed the complainant on the basis of her

own daughter's statement. The case is that the prosecutrix Pooja complained to her friend on 25.2.2006 when she was suffering some pain in her private part. The prosecution case is that the complaint is filed on 26.2.2006. The rape is said to have occurred on 22nd and 23rd of February 2006 on 2 different locations. Medical report however, is completely negative. No injury is found on the body of the child and private part was found intact. It is obvious that full intercourse has not been committed upon the child. The complainant was a tenant of the present applicant and was paying rent of Rs.300/-. As regards the first incident of rape which is said to have occurred on 22.2.2006 one Naren accompanied the present applicant. I have perused the statement of Naren. He does not state that Pooja came out of the room crying and informed him about the rape. Possibility of attempt or offence under Section 354 is most

probable. C.A. report also does not indicate semen stains. It appears that the mother of the prosecutrix produced 3 sets of the child's clothes and on 2 of the salvars blood is found. Since there is no injury on the child whatsoever, it is difficult to determine from where this blood has come on the 2 salvars. There are no semen stains on the salvars. Investigation is completed and charge-sheet has been filed. In the circumstances, I am inclined to grant bail subject to certain stringent conditions. It is therefore, directed that pending his trial in pursuance of C.R.No.40/2006 registered by the Malvani police station, the applicant may be released on bail in the sum of Rs.20,000/- with one surety in the like amount subject to the condition that he will report to the investigating officer once a week on every Monday till the disposal of the trial. He will also not make any attempt to

tamper with any of the witnesses in this case. Application stands disposed off.

(R.S.Mohite,J)